Teri Ambs

From: Richard Fitzpatrick <richard@cannabisstandardsinstitute.com>
Sent: Tuesday, March 11, 2014 4:31 AM
To: Teri Ambs
Subject: testimony for GovOpps Committee
Attachments: CSI Testimony on Callton Bill to SenateGovOppsCom.pdf; ONLY TESTING FOR 3.pdf; Minimum Standards Unmet.pdf

Ms. Ambs,

I would appreciate it very much if you could distribute copies of my testimony on HB4271 (along with these two attachments) to each of the members of the Committee - and to any others who are interested.

Thanks you.

Richard Fitzpatrick
Cannabis Standards Institute

Testimony of the **Cannabis Standards Institute**

Concerning HB 4271 and the Distribution of Medical Marihuana in Michigan

Senate Committee on Government Operations
Lansing
11 March 2014

Good Afternoon, I am Richard Fitzpatrick and I am the President of the *Cannabis Standards Institute (CSI)*. We were formed on the belief it should be self-evident that where medical cannabis is legal and regulated; patients deserve access to pharmaceutical grade medicine that is labeled with accurate, useful and independently-verified information.

We compliment the Chair of this Committee on the open-ended nature of today's hearing and offer this testimony with the intent of helping the State of Michigan finally, responsibly, implement the will of the public as expressed in the general election of 2008.

CSI supports, in principle, HB 4271 as a vastly improved, free-enterprise based method for distributing medical marihuana to qualified patients in Michigan. Further, we applaud its creation of "Safety Compliance Facilities." However, we are deeply concerned there are minimal requirements that they actually be used or even that safety be complied with at all. It explicitly exempts "Marihuana Provisioning Centers" and the products they sell, from all state and local health and safety regulations {Sec 6. (2) on page 9}.

It is disconcerting that the bill does not establish any standards or accreditation for a business to call itself a "Safety Compliance Facility" - nor is an application and approval process defined. If licensing is left solely to local units of government, that would mean any business that convinces one township, village or city that it should be considered a "Safety Compliance Facility" -- it would then be authorized to act as such throughout the entire state.

We respect all that Rep. Mike Callton is doing to see that registered users of medical cannabis obtain products of high quality and safety that meet their unique medical needs. We would like to add these key points for your consideration.

Safety Analysis under HB 4271 isn't safe or analysis

While some positive changes were made to Rep. Callton's bill in the House, it still has some obvious failings.

Rep Callton has said, and the media has reported as a fact, that "The substitute version approved Tuesday would require testing of medical marihuana sold through the 'provisioning centers'" That is not correct.

Under the House-passed version, Medical Marihuana (dried flowers and leaves) is not required to be tested at all. Likewise, there are no specifications for packaging ("baggie will do" is what supporters claim) - containers are not required to be sealed or sealable or even have a label. The bill requires none of the standard regulations for the sale of other medicinal herbal and botanical products. {see attachment "***Minimum Standards Unmet***" for details}.

Medical Marihuana-infused products (lotions, edible food products, drinks, concentrates, etc which typically comprise 38% of medical marihuana sales) are required to have some minimal safety testing beginning April 1, 2015. An example of how minimal: if a product passes testing for 4 of 20 common cannabis containments; it can be labeled as safe. Tests must be done for "fungi, mildew, mold & pesticides." That is a good thing.

The problem is, there are 16 additional contaminates that labs consistently find when testing medical marihuana (e.g. botanical growth hormones, bulking agents, e-coli, filth, fungi, herbicides, insect parts, intentional additives, salmonella and residual extraction solvents like butane). A batch could be infested with salmonella - yet labeled as safe for sale to patients under the House-passed version of the bill. {see attachment ***"Only Testing For"*** for details}

Additionally the bill does not require this medicine be labeled with the results of an active ingredient analysis showing the amount of all ingredients (over 1%). In fact, it specifically exempts marihuana and marihuana products from all labeling requirements in Michigan statutes.

Unbiased, third-party analytical testing is essential.

To protect the public health, bottled water from water sources originating in Michigan must be frequently sampled and tested by commercial third-party labs approved by the state's Department of Environmental Quality and labeled with the test results. *{Michigan Food Law of 2000 MCLA 289.7111}.* Shouldn't medical marihuana patients be protected in the same way against potential harm caused by unsafe or adulterated processing and packaging?

All of the states currently establishing rules for regulated marihuana distribution are requiring independent laboratory testing.

- To provide independent validation, the law approved by the voters in the State of **Washington** allowing all adults the ability to purchase marihuana, requires all "useable marihuana, or marihuana-infused products produced or processed by the licensee be submitted to an independent, third-party testing laboratory for inspection and testing of batches no larger than 2 pounds to certify compliance with standards adopted by the state..."
- The similar amendment adopted in **Colorado** creates four distinct licensed "marihuana establishments." Along with Cultivation, Product Manufacturing and Retail Store, there is ***Marihuana Testing Facility*** "which means an entity licensed to analyze and certify the safety and potency of marihuana." And the first three are not allowed to have any financial interest in a testing facility.
- **Massachusetts** and **Connecticut**, which are both currently implementing regulations for distribution of pharmaceutical grade medical marihuana, require a random sample of every batch be tested by an independent laboratory "for microbiological contaminants and chemical residue, and for purposes of conducting an active ingredient analysis."
- **Nevada**'s law (passed last summer) states clearly: "medical marijuana dispensaries must use the services of an independent testing laboratory to ensure that any marijuana, edible marijuana products and marijuana-infused products sold by the dispensaries to patients are tested for content, quality and potency in accordance with standards established by the Division."

Registered marihuana patients should be able to rely on regulators and the state government to rigorously and impartially ensure that cannabis and its packaging are safe and that producers are being held to account for their practices. That means requiring independent, third-party testing immediately prior to final packaging.

The right to information is a core platform of individual consumer rights. We know that cannabis, itself, is safe and wholesome. Still, individuals should be protected against harm caused by unsafe or adulterated growing, processing & packaging. Labeling should provide patients with accurate information that is sufficient to enable them to make well-informed choices.

In conclusion, if you are purporting to create a system for the responsible distribution of medical marihuana, then you must assure a supply of medicinal grade products with purity and freedom from contaminants, both chemical and biological, which is implied by the use of "medical" in describing marihuana.

# # #

HOUSE BILL NO. 4271 - (as passed House)

Safe Certificate Issued After Testing for:

- Fungi
- Mildew
- Mold
- Pesticides

But There are 16 Other Common Contaminants

COMMON CANNABIS CONTAMINANTS

Reported by testing laboratories

- Adulterants
- Botanical Growth Hormones
- Bulking Agents
- E-Coli
- Filth
- Fungi
- Herbicides
- Insect Parts
- Intentional Additives
- Listeria
- Mildew
- Mold
- Pesticides
- Plant Growth Regulators
- Residual Extraction Solvents (butane, CO2, ethanol, propane, etc.)
- Salmonella
- Staphylococcus aureus
- Synthetic stimulants
- Yeast

WHAT SHOULD BE REQUIRED:

- **A pass/fail rating based on a microbiological analysis that was completed immediately prior to final packaging; and**
- **A pass/fail rating based on a chemical residue analysis that was completed immediately prior to final packaging.**

Minimum Standards: **Unmet**

Medical Marijuana should be treated as a physician-recommended botanical medicine alongside other accepted alternative and herbal medicines. However, that means it must meet similar food-like standards for growing, processing and labeling so that patients have an assurance of purity, consistency of dosage and full disclosure of active ingredients.

HR 4271 fails at meeting those minimum standards.

Under HB 4271: *(as passed House 12/12/13)*

Medical Marihuana *(dried flowers & leaves)*

Containers are **not** required to:

- be sealed or sealable
- have a label
- display a warning that marihuana is inside
- show patient's name
- have an ID number or bar code tracing origin to facilitate possible recall
- be tamper-evident or child proof

Medical Marihuana does **not** have to:

- pass or even undergo a chemical residue analysis or a microbiological analysis
- have its active ingredients analyzed and be labeled with a list of those 1% or more
- be tested by an independent, third-party laboratory immediately prior to final packaging

Patients (& their medical team) are **not** required to be given:

- net weight of contents
- strength of contents or directions for its use
- name, address or phone number of center where purchased and where processed
- date when purchased
- assurance marihuana was safe during its production, processing, storage, distribution, handling and sale
- assurance marihuana was held in quarantine and not sold until safety tests passed

Medical Marihuana Infused Products *(lotions, edible food products, drinks, concentrates, etc)*:

Containers are **not** required to:

- be sealed or sealable
- have an ID number or bar code tracing origin to facilitate possible recall
- be tamper-evident or child proof
- be packaged and labeled according to state requirements for similar products not containing marihuana

Medical Marihuana infused products do **not** have to:

- pass a full chemical residue analysis *(pesticides only)*
- pass a full microbiological analysis *(fungi, mildew & mold only)*
- have active ingredients analyzed and a listing of those 1% or more
- be tested immediately prior to final packaging
- be processed according to Michigan's requirements for similar products not containing marihuana

Patients (& their medical team) are **not** required to be given:

- evidence on the chemotype or strength of cannabis or on product's other ingredients
- directions for use
- name, address or phone number of center where purchased and where processed (if different)
- date when made or purchased
- nutritional and allergen labeling that is required for similar products not containing marihuana
- list of solvents and chemicals used in the creation of a concentrate
- assurance product was safe during its production, storage, distribution, and sale according to state requirements for similar products not containing marihuana
- assurance product was held in quarantine and not sold until safety tests passed